

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Hubbard on March 10, 2010.

The application has been amended as follows:

**Claim 9:** A method of transmitting packet-switched data in a network having a plurality of nodes therein, the method comprising the steps of: defining an ingress rate restriction for each of at least two nodes of the plurality of nodes, the ingress rate restriction limiting the amount of data that may be transmitted from the respective node on at least one channel of the network; defining an egress rate restriction for each of the at least two nodes of the plurality of nodes, the egress rate restriction limiting the amount of data that may be transmitted to the respective node on the at least one channel of the network; monitoring the amount of data transmitted from and to a first node; and disallowing at least a portion of one of an attempted data transfer from and to the first node when one of the respective ingress rate restriction and egress rate restriction would be violated by the attempted data transfer, wherein defining the at least one egress rate restriction further includes defining an egress committed rate that

defines a minimum transfer rate reserved in the network for transfers to the respective node from the plurality of nodes and defining an egress peak rate that defines a maximum transfer rate allowable in the network for transfers to the respective node from the plurality of nodes, and defining the at least one ingress rate restriction further includes defining an ingress committed rate that defines a minimum transfer rate reserved in the network for transfers from the respective node to the plurality of nodes and defining an ingress peak rate that defines a maximum transfer rate allowable in the network for transfers from the respective node to the plurality of nodes.

**Claim 13:** Cancelled.

2. Claims 1-12, 14 and 15 are allowed in light of board's decision issued on 10/30/2009.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASGHAR BILGRAMI whose telephone number is (571)272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L.M. Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. B./  
Examiner, Art Unit 2443

/George C Neurauter, Jr./  
Primary Examiner, Art Unit 2443